

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: David J Cornell II
Elena L Syrkin
Debtors

Case No. 13-52510
Chapter 13
Judge Caldwell

DEBTORS' MOTION TO MODIFY CHAPTER 13 PLAN

Now come the Debtors, by and through counsel, to amend Section C(4) – Personal Property to be Surrendered of the plan by adding treatment for the 2007 Yamaha ATV and the lien held by Capital One, N.A. Debtors hereby surrender the property, with any deficiency from the sale of the property to be treated as unsecured debt for the purpose of payment under the plan.

The basis for Debtors' motion is outlined more fully below.

Respectfully submitted,

/s/ Donald E Wood, Esq.
Donald E Wood, Esq.

MEMORANDUM IN SUPPORT

Debtors filed their Chapter 13 case on April 1, 2013. The Chapter 13 plan was confirmed on July 3, 2013. Debtors amended their Schedule B on October 3, 2013 (Doc. No. 40), for the purpose of adding a 2007 Yamaha ATV vehicle to the schedule. Debtors assigned a value of \$1800 to the property. The lien holder on the 2007 Yamaha ATV, Capital One, N.A., c/o Bass & Associates, filed a Proof of Claim on August 12, 2013, Claim No. 12. The total claim is \$2688.96, with \$2455.00 of the total amount secured by the ATV.

The Debtors having failed to address the treatment of the property and the associated claim now come to amend their Chapter 13 Plan by surrendering the property to the creditor, with any deficiency balance, being owed after the sale of the property, to be treated as unsecured debt for the purpose of payment under the plan.

Respectfully submitted,

/s/ Donald E Wood, Esq.
Donald E Wood, Esq.
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Whitehall, OH 43213
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NOTICE OF FILING OF MOTION TO AMEND CHAPTER 13 PLAN

Notice is hereby given that on October 3, 2013, Debtors have filed a Motion to Amend Chapter 13 Plan.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT COUNSEL. IF YOU DO NOT WANT THE COURT TO GRANT THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THIS MOTION, THEN ON OR BEFORE TWENTY-ONE (21) FROM THE DATE OF THE MAILING OF THIS NOTICE, YOU OR YOUR ATTORNEY MUST:

FILE WITH THE COURT A WRITTEN REQUEST OBJECTING TO THE MOTION STATING THEREIN THE BASIS FOR YOUR OBJECTION. THIS PLEADING MUST BE FILED WITH THE CLERK OF COURT, UNITED STATES BANKRUPTCY COURT, 170 N. HIGH STREET, COLUMBUS, OHIO 43215. IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE DATE STATED ABOVE.

YOU MUST ALSO MAIL A COPY TO:

Donald E Wood, Esq.
4437 Wright Ave
Whitehall, OH 43213

U.S. Trustee
170 N. High Street
Columbus, OH 43215

Frank M Pees
Chapter 13 Trustee
130 E Wilson Bridge Rd
Worthington, OH 43085

Respectfully submitted,

/s/ Donald E Wood, Esq.
Donald E Wood, Esq.

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CERTIFICATE OF SERVICE – MOTION TO MODIFY CHAPTER 13 PLAN

I hereby certify that on October 3, 2013, a copy of the foregoing Motion to Modify Chapter 13 Plan and Notice of Filing of Motion to Amend Chapter 13 Plan was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
- Joel K Jensen sohbk@lsrlaw.com
- Mary E Krasovic bankruptcy@mdk-llc.com
- Frank M Pees trustee@ch13.org
- Donald E Wood dwood4@insight.rr.com

and on the following by ordinary U.S. Mail addressed to:

Capital One, N.A.
c/o Bass & Associates, PC
3936 E. Ft Lowell Rd, Ste 200
Tucson, AZ 85712

/s/ Donald E Wood, Esq.
Donald E Wood, Esq.